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16 Attorneys for Plaintiff

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 **ST. MATTHEW'S UNIVERSITY**
20 **(CAYMAN) LTD., a Cayman Islands**
21 **company,**

22 Plaintiff.

23 vs.

24 **SABA UNIVERSITY SCHOOL OF**
25 **MEDICINE FOUNDATION, a**
26 **Netherland-Antilles company, et al,**

27 Defendants.

28 Case No. CV-S-05-0848-BES

29 **PLAINTIFF'S RESPONSE TO**
30 **DEFENDANT HOUGH'S ANSWER ON**
31 **BEHALF OF DEFENDANTS THOMAS**
32 **MOORE, M.D., SARAH B. WEINSTEIN,**
33 **RACHAEL E. SILVER, AND DIEDRE**
34 **MOORE**

INTRODUCTION

2 On April 4, 2006, almost two months after she filed her own answer to the
3 Amended Complaint of St. Matthew's University, Ltd. ("St. Matthew's"), individual
4 defendant Patricia L. Hough, M.D. ("Hough"), by and through her attorney, filed an
5 Answer and Joinder to Motion to Dismiss the Amended Complaint as to individual
6 defendants Thomas Moore, M.D., Sarah B. Weinstein, Rachael E. Silver and Diedre
7 Moore (the "AAIMG Officer Defendants"). St. Matthew's was startled, though not
8 surprised, by Hough's filing, insofar as it provides all but conclusive support for one of
9 the Amended Complaint's key allegations: That the AAIMG Officer Defendants are
10 aliases created and assumed by Hough and other individual defendants for the purpose
11 of engaging in the misconduct underlying this litigation.

12 It is difficult to interpret Hough's Answer and Joinder to Motion to Dismiss as to
13 the AAIMG Officer Defendants (the "Joinder") other than as a tacit – if not explicit –
14 admission that Hough and the AAIMG Officer Defendants are one-in-the-same. In filing
15 the Joinder, Hough quite literally stood in the shoes of the AAIMG Officer Defendants.
16 In fact, given the rules governing pleading in federal court, it would be all but impossible
17 for Hough to file an answer on behalf of anybody else, lest she and/or Reinmiller risk
18 almost certain Rule 11 sanctions. At the least, the Joinder should be construed as an
19 admission by Hough that she has detailed personal knowledge of the AAIMG Officer
20 Defendants' activities relating to this litigation, and that Hough and the AAIMG Officer
21 Defendants share a community of interest so strong as to permit or require one to
22 engage in the other's defense.

23 I. BY STANDING IN THE SHOES OF THE AAIMG OFFICER DEFENDANTS, HOUGH
24 CONCEDES THAT SHE AND THEY ARE ONE-IN-THE-SAME

25 In filing the Joinder on behalf of the AAIMG Officer Defendants, Hough quite
26 literally stood in their shoes. The Joinder, as captioned, is an "Answer and Joinder to
27 Motion to Dismiss the Amended Complaint Against Defendants Thomas Moore, M.D.,
28 Sarah B. Weinstein, Rachel E. Silver and Diedre Moore." It was filed, however, not by

1 counsel for the AAIMG Officer Defendants or even by the AAIMG Officer Defendants
 2 themselves, but by Hough acting by and through her attorney, Nathan R. Reinmiller,
 3 Esq. ("Reinmiller"). If Hough and the AAIMG Officer Defendants are not one-in-the-
 4 same, then they share a community of interest so strong as to permit or require Hough
 5 and Reinmiller to act as the AAIMG Officer Defendants' agents in this action.

6 The Court should not allow Hough to avoid the conclusion that she and the
 7 AAIMG Officer Defendants are one-in-the-same by arguing that the Joinder somehow
 8 relates to Hough's own defense. To the extent Hough intended the Joinder as an
 9 answer or motion to dismiss on her own behalf, it was filed long after her primary answer
 10 and motion to dismiss and thus would all but certainly be rejected as untimely. In any
 11 event, in her answer, Hough already denied that she created, adopted and acted
 12 through the AAIMG Officer Defendants. Answer of Patricia L. Hough, M.D. to Amended
 13 Complaint of Plaintiff, ¶12. That being a matter particularly within her knowledge, she
 14 cannot now claim some additional relationship to the AAIMG Officer Defendants entitling
 15 her to raise arguments on their behalf.

16 **II. UNDER FRCP RULE 8(b), HOUGH COULD NOT HAVE ANSWERED FOR THE
 17 AAIMG OFFICER DEFENDANTS ABSENT DETAILED PERSONAL KNOWLEDGE OF
 18 THEIR ACTIONS**

19 Federal Rule of Civil Procedure Rule 8(b) requires each party to "admit or deny
 20 the averments upon which the adverse party relies." If a party finds itself lacking
 21 "knowledge or information sufficient to form a belief as to the truth of an averment, the
 22 party shall so state ..." Hough, by and through Reinmiller, "adopts" for the AAIMG
 23 Officer Defendants the Answer of Hough herself as to the Amended Complaint's second,
 24 third, fifth and sixth claims. Hough nowhere indicates that she lacks the knowledge or
 25 information to answer in relation to the AAIMG Officer Defendants, or even that the
 26 AAIMG Officer Defendants' answer should or would differ from her own. The only way
 27 for Hough to have such detailed knowledge about the AAIMG Officer Defendants was if
 28 they were one-in-the-same, or were operating in such coordinated fashion as to inform

1 each of everything that the others did or knew in relation to the misconduct underlying
2 this litigation.

3 Hough may attempt to rebut the conclusion that she and the AAIMG Officer
4 Defendants are one-in-the-same by arguing that the Joinder was based on her personal
5 knowledge, not theirs. If that were true, however, the Joinder would constitute an almost
6 certain FRCP Rule 11 violation, insofar as it would misrepresent the AAIMG Officer
7 Defendants' knowledge and information concerning the Amended Complaint's
8 allegations, and would suggest a failure to conduct any reasonable inquiry into those
9 allegations' truth. Should Hough attempt to distance herself from the Joinder's denials,
10 St. Matthews will consider bringing a related motion.

11

12 Respectfully Submitted,

13

14 DATED: April 24, 2006.

KRONENBERGER HANLEY, LLP

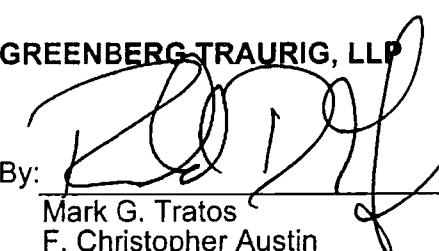
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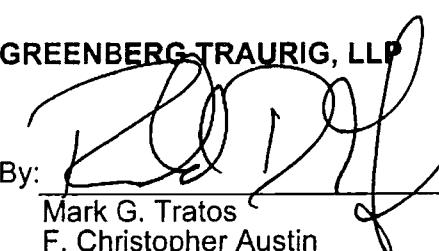
16 By: 

17 Karl S. Kronenberger
18 Terri R. Hanley
19 Attorneys for Plaintiff
20 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

21

22 DATED: April 24, 2006.

23 GREENBERG TRAURIG, LLP


24 By: 

25 Mark G. Tratos
26 F. Christopher Austin
27 Ronald D. Green, Jr.
28 Designated Local Counsel for Plaintiff
ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

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CERTIFICATE OF SERVICE

2

I am a resident of the state of California, over the age of eighteen years and not a party to this action. My business address is 220 Montgomery Street, Suite 1920, San Francisco, California, 94104.

4

On April 24, 2006, I served the following document(s):

5

1. PLAINTIFF'S RESPONSE TO DEFENDANT HOUGH'S ANSWER ON BEHALF OF DEFENDANTS THOMAS MOORE, M.D., SARAH B. WEINSTEIN, RACHAEL E. SILVER, AND DIEDRE MOORE

7

on the parties listed below as follows:

8

NATHAN REINMILLER, ESQ

9

Alverson Taylor Mortensen & Sanders
7401 West Charleston Blvd
Las Vegas, NV 89117
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11



BY FACSIMILE MACHINE (FAX), by personally transmitting a true copy thereof via an electronic facsimile machine to the fax number listed herein.

13



BY FIRST CLASS MAIL, by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, for collection and mailing, in San Francisco, California, following ordinary business practices, which is deposited with the US Postal Service the same day as it is placed for processing.

16



BY PERSONAL SERVICE, by personally delivering a true copy thereof to the addressee(s) listed herein at the location listed herein.

18



BY OVERNIGHT DELIVERY containing a true copy thereof to the addressee(s) listed herein at the location listed herein.

19



BY EMAIL to the addresses listed above.

20



(State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

22



(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

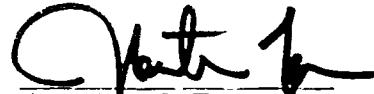
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Jonathan S. Tam